

Memorandum

To: Conservancy Members
From: Sam Schuchat, Executive Officer
Mary Small, South Coast Program Manager
Elena Eger, Senior Staff Counsel
Re: Executive Officer's Report: Lechuza Beach Management Plan Status
Date: January 28, 2010

At the Coastal Conservancy's regularly scheduled public meeting on February 4, 2010, the Conservancy staff will provide the Conservancy with an update on the Lechuza Beach management plan status. Your staff supports the Mountains Recreation and Conservation Authority, as our grantee's, current coastal development permit application to the City of Malibu for certain public access improvements and an initial management plan at Lechuza Beach.

Background: Lechuza Beach is a ¼ mile long sandy beach on the Pacific Ocean, located in the City of Malibu, California, upcoast of Robert H. Meyer Memorial State Beach. The beach is at the base of coastal bluffs which rise approximately vertical 75 feet up to the nearest public road, Broad Beach Road. Lechuza Beach is located between East Sea Level Drive and West Sea Level Drive in the City of Malibu and is surrounded by residential development. (See attached Location Map).

In October 2000, the Coastal Conservancy authorized a grant of up to \$10,000,000. to the Mountains Recreation and Conservation Authority (MRCA) for the purchase of fee title and easement interests at Lechuza Beach for the sole purpose of providing public access to this beach. In May 2002, MRCA took fee title to the Lechuza Beach lots property subject to use restrictions in favor of the Conservancy that the property be used only for the provision of public access to the beach and for public recreation. MRCA also accepted easements over West and East Sea Level Drive for disabled parking and a right of first refusal to acquire easements and reversionary rights retained by the common developer, Marblehead Land Company, by its successor-in-interest, Lechuza Villas West. MRCA acquired these easements and reversionary rights in October 2002. The total cost of these acquisitions was over \$9,000,000.

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Since 2002, MRCA has managed these property interests (collectively referred to as "the Lechuza Beach property") in the manner set forth in the Conservancy's October 2000 staff recommendation and resolution, the grant agreements between the Conservancy and the MRCA and the deed restrictions on the Lechuza Beach property.

Additionally, from 2002 until now, the MRCA and the Coastal Conservancy staffs have worked with the local residents and with the local homeowners' association, the Malibu-Encinal Homeowners' Association (MEHOA), to produce a mutually-acceptable long term public access management plan for the MRCA's Lechuza Beach property. More than ten meetings among all these parties were held; many more efforts by all the parties were made through written correspondence and countless revisions to documents and design plans. Contributions were made as well by the City of Malibu and the California Coastal Commission. Unfortunately, these efforts failed to produce a mutually acceptable management plan.

By mid-2007, spurred by the Coastal Commission's notices that the existing gates owned by MEHOA and by MRCA were unpermitted developments under the Coastal Act and other violation notices to MEHOA regarding signage and encroachments into the public right of way on Broad Beach Road, both MEHOA and the MRCA filed applications for coastal development permits with the City of Malibu. The MEHOA application was subsequently withdrawn. MRCA continued to perfect its application for a coastal development permit over the past two years in response to the City of Malibu's comments and MEHOA comments.

Current Status: The MRCA's current coastal development permit application before the City is for specific public access improvements, including gate installation on Lot I (Bunnie Lane) consistent with the Coastal Act, improvements to the access stairway, for disabled parking and disabled access along East and West Sea Cliff Drive. MRCA has proposed an initial management plan for beach management which incorporates only the rules and regulations of the Malibu Municipal Code and the Coastal Act, to be enforced by MRCA's rangers and the County Sheriff. Your staff intends to have a presentation of the MRCA's proposed project at the meeting to provide you with more information on the proposed coastal development permit application, including visuals.

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Conservancy staff supports the MRCA's application for a coastal development permit for public access improvements and for an initial management plan which incorporates the Malibu Municipal Code and the Coastal Act. The proposed improvements and the initial management plan contain the work products funded under the Conservancy's grants to the MRCA to address the public access needs at Lechuza Beach. These improvements and the initial management plan will facilitate the public's ability, especially the disabled public, to safely and, in a manner respectful of the private property neighbors, to access the Lechuza Beach property. After almost eight years, the MRCA's proposed improvements and initial management plan achieve the Conservancy's goals to improve public access to Lechuza Beach, as articulated in the Conservancy's authorization of October 2000.

